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EXAMINER

STORM, DONALD L

ART UNIT PAPER NUMBER

2654

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/739,392

Applicant(s)

BRENNAN ET AL.

Examiner

Donald L. Storm

Art Unit

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

The Applicant's AMENDMENT/RESPONSE, filed on September 2, 2005, has been entered. An action continuing examination on the merits follows. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Informalities

3. Claims 7, 8, 9, and 10 are objected to under 37 CFR 1.75(a) because the claim, in claim 6, had previously said "user-defined", not "userdefined".

4. Claim 12 is objected to under 37 CFR 1.75(a) because it does not end with a period. Each claim begins with a capital letter and ends with a period to avoid undue confusion in determining if the claim is complete. Appropriate correction is required. See MPEP § 608.01(m).

5. Claim 18 is objected to under 37 CFR 1.75(a) because the meaning of the phrase "wherein said step of creating" (line 1) needs clarification. Because no step of creating was previously said, it may be unclear as to what element this phrase refers. To further timely prosecution and evaluate prior art, the Examiner has interpreted this phrase as --further including a step of creating--.

6. Claim 18 is objected to under 37 CFR 1.75(a) because the meaning of the phrase “said elements” (line 2) needs clarification. Because no elements were previously said, it may be unclear as to what element this phrase refers. To further timely prosecution and evaluate prior art, the Examiner has interpreted this phase as --elements--.

7. Claim 20 is objected to for the same reasons as claim 12.

8. Claim 20 is objected to under 37 CFR 1.75(a) because the meaning of the phrase “said user” (line 2 and line 3) needs clarification. Because no user was previously recited, it may be unclear as to whether this phrase refers to the user corresponding to the user defined functions, to the user corresponding to the speech based user interface, or to the user corresponding to the user interface subsystem. To further timely prosecution and evaluate prior art, the Examiner has interpreted this phase as --a user--.

Claim Rejections - 35 USC § 102

Braman

9. Claims 1-16 and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Braman et al. [International Publication WO 99/14928], already of record.

10. Regarding claim 1, Braman [at title and abstract] describes a training method that customizes a speech interface by describing the content and functionality of the recited limitations recognizable as a whole to one versed in the art as the following terminology:

the speech user interface subsystem [at Fig. 1, item 20 and page 3, lines 16-26, as speech recognition and trainable dialing entry system VAS];

accessing it from an input device [at page 4, lines 8-13, as connect to VAS by calling from a cellular handset];

a profile of user-defined functions [at page 3, lines 23-24, as user dialing entries derived from subscribers];

a profile database of an application system [at Fig. 1 and page 3, lines 23-24, as data storage subsystem (of a cellular telephone network) storing recognition data derived from subscribers and user dialing entries derived from subscribers, also known at page 5, line 17, as data subsystem storing directory];

selecting the profile from the database for customization [at page 4, lines 13-21, as utilize an existing directory for ADD];

user-defined functions for use within the profile [at page 5, line 1, as caller-programmed directory entries for programming as directory entries];

customizing them [at page 5, line 1, as programming a directory entry];

saving the profile in the profile database [at page 5, line 17, as updating the stored directory in the data subsystem];

a speech-based user interface to an application system [at Fig. 1, items 14, 15, 20 and page 3, lines 16-26, as speech recognition and trainable dialing entry system VAS of a cellular telephone network];

providing the profile to it for presentation [at page 4, lines 13-21, as utilize an existing directory for REVIEW];

providing the profile to it upon subsequent access by the user [at page 7, lines 7-13, as provide dialing information in future calls of a caller to obtain access *{Exmr note: The future call for other services (sometime after the current configuration call) provides the menu selections that were stored from the earlier configuration call.}*].

11. Regarding claim 2, Braman also describes:

specifying information [at page 5, line 1, as programming a directory entry];

it is presented in a status summary [at page 5, lines 29-30, as VAS recites a list of directory entries].

12. Regarding claim 3, Braman also describes:

customizing comprises specifying a command menu structure [at page 5, lines 27-page 6, as going into the PROGRAM mode includes prompting the caller for commands, asking the caller for answers, for access code (2 levels), mailbox number, and menu selections (2 levels)];

it is specified in a dual tone multi frequency driven user interface [at page 5, line 6, as the call and VAS are conferenced and a DTMF receiver is attached].

13. Regarding claim 4, Braman also describes:

customizing comprises specifying a vocabulary structure [at page 5, lines 27-page 6, as going into the PROGRAM mode includes prompting the caller to speak a NAME and NUMBER, asking the caller for answers such as “yes”];

it is specified in a speech recognition driven user interface [at page 5, lines 30-32, as the VAS retrieves a command stated by the caller and goes into the mode].

14. Regarding claim 5, Braman also describes:

customizing comprises creating an additional function that accesses elements external to the application system [at page 5, lines 1-11, as programming includes commands to reroute the call to connect to an information service].

15. Regarding claim 6, Braman [at title and abstract] describes a speech interface by describing the content and functionality of the recited limitations recognizable as a whole to one versed in the art as the following terminology:

receiving an access request from a user [at page 4, lines 8-13, as a caller initiates a call];
a profile database [at page 3, lines 23-24, as data storage subsystem storing recognition data derived from subscribers and user dialing entries derived from subscribers, also known at page 5, line 17, as data subsystem storing directory];
retrieving a profile from it [at page 4, lines 13-21, as utilize an existing directory];
the profile is customized for the user comprising user-defined functions [at page 5, line 1, as caller-programmed directory entries for programming as directory entries];
presenting the functions in accordance with the profile [at page 4, lines 13-21, as utilize an existing directory for DIRECTORY provides access to the directory menu];
presenting them via a speech base user interface [at page 5, lines 30-32, as the VAS retrieves a command stated by the caller and goes into the mode];
the interface is customized [at Fig. 1, item 20 and page 3, lines 16-26, as trainable dialing entry system and speech recognition VAS];
providing access to data elements presented in the functions [at page 5, line 33-page 6, line 9, as acquire NAME, NUMBER, predetermined commands (access codes), access digit strings and store them in a directory when prompted to speak a NAME, NUMBER, and key pad entries].

16. Regarding claim 7, Braman also describes:

user-defined functions [at page 5, line 1, as directory entries from programming];
they comprise a status summary [at page 5, lines 29-30, as VAS recites a list of directory entries].

17. Regarding claim 8, Braman also describes:

user-defined functions [at page 5, line 1, as directory entries from programming];

they comprise specifying a command menu structure [at page 5, lines 27-page 6, as going into the PROGRAM mode includes prompting the caller for commands, asking the caller for answers, for access code (2 levels), mailbox number, and menu selections (2 levels)];

it is specified in a dual tone multi frequency driven user interface [at page 5, line 6, as the call and VAS are conferenced and a DTMF receiver is attached].

18. Regarding claim 9, Braman also describes:

user-defined functions [at page 5, line 1, as directory entries from programming];

they comprise specifying a vocabulary structure [at page 5, lines 27-page 6, as going into the PROGRAM mode includes prompting the caller to speak a NAME and NUMBER, asking the caller for answers such as “yes”];

it is specified in a speech recognition driven user interface [at page 5, lines 30-32, as the VAS retrieves a command stated by the caller and goes into the mode].

19. Regarding claim 10, Braman also describes:

user-defined functions [at page 5, line 1, as directory entries from programming];

they comprise creating an additional function that accesses elements external to the application system [at page 5, lines 1-11, as programming includes commands to reroute the call to connect to an information service].

20. Regarding claim 11, Braman [at Fig. 1] describes a communication system by describing the content and functionality of the recited limitations recognizable as a whole to one versed in the art as the following terminology:

a device [at page 4, lines 8-13, as a cellular handset];

it is an input device [at page 4, lines 8-13, as the cellular handset connects by calling];
an audio output device [at page 7, lines 7-9, as the connected call plays voice messages];
an application system [at Fig. 1, as a cellular telephone network];
a speech based user interface for use with the application system [at Fig. 1, items 14, 15, 20 and page 3, lines 16-26, as speech recognition and trainable dialing entry system VAS of a cellular telephone network];
the interface's user defined functions [at page 5, line 1, as directory entries from programming];
customization means permitting customization of the functions [at page 5, lines 1-2, as the caller programming a VAS directory entry];
a profile database [at Fig. 1 and page 3, lines 23-24, as data storage subsystem (of a cellular telephone network) storing recognition data derived from subscribers and user dialing entries derived from subscribers, also known at page 5, line 17, as data subsystem storing directory]; and
a speech user interface subsystem [at Fig. 1, item 20 and page 3, lines 16-26, as speech recognition and trainable dialing entry system VAS].

21. Regarding claim 12, Braman also describes:

the application system is a unified communications system [at page 7, lines 10-13, as the system provides dialing information, DTMF menu selections, and security codes for voice mail besides other information services].

22. Regarding claim 13, Braman also describes:

the application system is a unified messaging system [at page 7, lines 10-13, as the system provides dialing information, DTMF menu selections, and security codes for voice mail].

23. Regarding claim 14, Braman also describes:

the application system comprises equipment within an automobile [at page 4, lines 8-9, as a cellular handset in an automobile].

24. Regarding claim 15, Braman also describes:

selecting automatically [at page 3, lines 10-19, as the provider verifies whether the MIN is authorized and access user dialing entry systems].

25. Regarding claim 16, Braman also describes:

customizing comprises selecting functions from a menu [at page 4, lines 19-20, as recording a new entry provides the menu with menu options].

26. Regarding claim 18, Braman also describes:

creating an additional function provides information or entertainment services from elements to the application system [at page 5, lines 1-11, as programming includes commands to reroute the call to connect to an information service].

27. Regarding claim 19, Braman also describes:

the application system comprises an automobile control system [at page 4, lines 8-9, as a cellular handset in an automobile initiates a call and connects];

the functions comprise automobile system functions [at page 4, lines 8-9, as initiate a call from a handset in an automobile].

28. Regarding claim 20, Braman also describes:

a network interface for communication between the application system, which is located remote from a user, and the user [at page 1, lines 18-29, as an MTX of a network environment for

a dialing entry system recognizing spoken commands over cellular communications network where the dialing entry system has placement at the MTX].

Claim Rejections - 35 USC § 103

29. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Braman and Beyda

30. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Braman et al. [International Publication WO 99/14928], already of record, in view of Beyda et al. [US Patent 6,487,277].

31. Regarding claim 17, Braman describes the included claim elements by dependency as indicated elsewhere in this Office action. When Braman [at page 4, lines 19-20] describes access to the menu items, Braman writes them in an order, but does not discuss the order of the menu items in detail. In particular, Braman does not explicitly describe selecting the order selected functions are presented.

Like Braman, Beyda [at column 7, lines 31-43] includes an embodiment in which a user may store functions that the user has executed for easy access the next time. Beyda describes a menu of functions and describes:

selecting the order selected functions are presented [at column 8, lines 53-56, as update the presentation order of the options to present most popular selections first].

As indicated, Beyda had described selecting the order selected functions are presented at the time of invention. Since Beyda [at abstract] also points out that selecting the order selected functions are presented has the advantage of tailoring the presentation to the needs of users, it would have been obvious to one of ordinary skill in the art of interactive voice response systems at the time of invention to include the concepts described by Beyda, at least including selecting the order selected functions are presented for Braman's presentation of menu items, because that would provide the advantage of tailoring the presentation to the needs of the user.

Response to Arguments

32. The prior Office action, mailed June 2, 2005, objects to the specification and rejects claims under 35 USC § 102, citing Braman. The Applicant's arguments and changes in AMENDMENT/RESPONSE, filed September 2, 2005, have been fully considered with the following results.

33. With respect to objection to the specification as containing an active hyperlink, the url has been retested and the hyperlink appears to be inactive. Accordingly, the objection is removed.

34. With respect to rejection of claims under 35 USC § 102, citing Braman alone, the Applicant's arguments appear to be as follows:

a. The Applicant's argument appears to be that Braman's directory entries are not functions that are user-defined and user-customized because they are only names and numbers entered by the user into system-defined functions. This argument is not persuasive because at least Braman's "DIAL" and "CALL" commands do not provide any user function without the name and number that customizes the "DIAL" or "CALL" command to perform the function that the user desires the particular data entry to do. For example, Braman does not discuss what the command "CALL" or "MAIL" may do without being trained by the user. Braman does not discuss what the name and number may do without the "CALL" or "MAIL" command. Braman [page 4, lines 25-36 and page 7, lines 7-8] only describes the "CALL" function in terms of what its user-defined function is. Braman does not discuss "CALL" without its customization by the name and number entered by the user. This interpretation seems to be appropriate in light of the specification's discussion on pages 8-9 of the user's defining functions or creating functions.

b. The Applicant's argument appears to be that Braman's directory entries are not functions that the user customizes because Braman says that first the name is trained and the number is determined. This argument is not persuasive because those are merely the "first" items trained for a directory entry. Additional items are included that make up Braman's directory entry to provide the function desired by the user. See for example page 6, which describes the directory entry for the user voice-mail function, including the name MAIL in the speaker dependent directory, the telephone number, the answer feedback, timing, access codes, mailbox number, and menu selections codes.

c. As additional argument regarding claim 3, the Applicant's argument appears to be that Braman's description on pages 5-6 describes a predefined command, not a user-defined command. This argument is not persuasive because on pages 5-6, Braman describes the entire function of retrieving the user's voice mail as the series of steps and data that are summarized at lines 11-12 on page 6.

d. As additional argument regarding claim 3, the Applicant's argument appears to be that the DTMF inputs of Braman's data entry for "MAIL" does not specify a menu structure. This argument is not persuasive because at least the two DTMF entries specify how Braman's "MAIL" function navigates the menu selections "play messages" and "play new messages".

The Applicant's arguments have been fully considered but they are not persuasive. Accordingly, the rejections are maintained.

Conclusion

35. Any response to this action should be mailed to:

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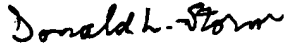
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36. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald L. Storm, of Art Unit 2654, whose telephone number is (571) 272-7614. The examiner can normally be reached on weekdays between 7:00 AM and 3:30 PM Eastern Time. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571) 272-7602.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Inquiries regarding the status of submissions

relating to an application or questions on the Private PAIR system should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 571-272-4100 between the hours of 6 a.m. and midnight Monday through Friday EST, or by e-mail at: ebc@uspto.gov. For general information about the PAIR system, see <http://pair-direct.uspto.gov>.

February 1, 2006


Donald L. Storm
Examiner, Art Unit 2654